

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
ex rel. MARY HENDOW and JULIE  
ALBERTSON

Plaintiffs,

v.

UNIVERSITY OF PHOENIX,

Defendant.

2:03-cv-0457-GEB-DAD

ORDER

Defendant University of Phoenix ("UOP") moves for dismissal of the Relators' Second Amended Complaint under Federal Rule of Civil Procedure 12(b)(1). UOP argues the Court lacks subject-matter jurisdiction in this action because the Relators' asserted basis of jurisdiction under the False Claims Act ("FCA") fails since the Relators' fraud allegations were publicly disclosed before the Relators filed their complaint. However, since UOP has pointed to no

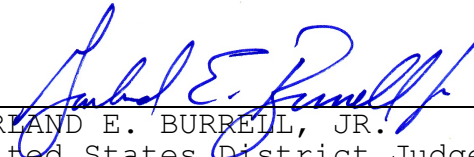
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1 disclosure before the Relators came forward that reveals the  
2 allegations of fraud against it in this case, the motion is denied.

3 Dated: May 18, 2009

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6 GARLAND E. BURRELL, JR.  
7 United States District Judge  
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